THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 10TH DAY OF NOVEMBER, 2005

WRIT PETITION No. 24042 of 2005

Between:-

Singadasari Sailoo and four others.

--Petitioners

And

The Joint Collector, Ranga Reddy district at Hyderabad, and eleven others.

--Respondents

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WRIT PETITION No. 24042 of 2005

ORDER:

Aggrieved by the order dated 23-09-2005 passed by the 1st respondent, in exercise of revisional powers under Section 9 of the Andhra Pradesh Rights in Land and Pattedar Pass Book Act, 1971 (for short 'the Act'), the petitioners filed the present writ petition seeking a writ of Certiorari to quash the same.

The fact of the matter is not much in dispute. The petitioners claim to be the legal heirs of one Singadasari Lingaiah, who is allegedly the owner of the property in Survey No. 452/2 of Puppalaguda village, Rajendranagar mandal, Ranga Reddy district admeasuring Ac.15-37 guntas. Having come to know that the names of the respondent Nos. 11 and 12 were mutated in the revenue records, they filed an

appeal before the second respondent under Section 5 (5) of the Act. While the matter was pending before the second respondent, the fourth respondent herein impleaded as a party respondent. Be that as it is, before the second respondent, the petitioners contend that being the legal heirs of Singadasari Lingaiah, the original pattedar, their names alone ought to be mentioned in the revenue records and their predecessors never sold lands to respondent Nos. 11 and 12, but their names were included and, therefore, they sought to delete the names of respondent Nos. 11 and 12. The fourth respondent alleges that it has purchased the property under three sale deeds from the petitioners and having come to know that the twelfth respondent also sold the land to third parties, the fourth respondent filed a suit being O.S.NO. 68 of 2001 on the file of the Court of learned District Judge, Ranga Reddy district for declaration of title and the same is pending.

The Revenue Divisional Officer considered the rival claims of the petitioners, the fourth respondent and respondent Nos. 11 and 12 and noticed that neither the petitioners nor the fourth respondent filed any record showing that Singadasari Lingaiah as pattedar and, therefore, their claim cannot be verified and thought it fit to remand the matter to the Mandal Revenue Officer, Rajendranagar for *de novo* inquiry into the matter.

Aggrieved by the orders of the second respondent dated 28-08-2004, the petitioners then approached the first respondent under Section 9 of the Act. By the impugned order, the first respondent came to the conclusion that in view of the rival claims by many parties setting up title to the land in survey No. 452/2 of Puppalaguda village, it is a matter for the civil court to decide the title and the Mandal Revenue Officer cannot decide or adjudicate the issue of title.

Learned counsel for the petitioners Mr. A. Ananda Rao, strenuously contends that the answer to the questions raised in the matter lie in very narrow compass as to whether Singadasari Lingaiah is the original pattedar and the petitioners are his legal heirs. In such an event, according to the learned counsel, there is no necessity for the civil court's adjudication. **Per contra**, learned Assistant Government Pleader, after taking this court through the orders of the Joint Collector and the Revenue Divisional Officer, contends that there is a title dispute between the petitioners and respondent Nos. 11 and 12 on one hand; and there is a title dispute between the fourth respondent and the twelfth respondent on the other hand and, therefore, the provisions of the Act have no application. He also contended that the fourth respondent had already filed a suit being O.S.No. 68 of 2001 for declaration of title and, therefore, the order of the Joint Collector is justified.

The Revenue Divisional officer, second respondent, in his order observed that the petitioners did not file any record showing that Singadasari Lingaiah as pattedar of the property nor they filed the proceedings of the Mandal Revenue Officer ordering mutation in favour of respondent Nos. 11 and 12. The second respondent also noticed that the fourth respondent purchased the entire property in survey No. 452/2 under three registered sale deeds from the legal heirs of the original pattedar viz., S. Venkaiah, Devarakonda Sayanna and Narsimhulu, but those sale deeds were not produced before the appellate authority. The first respondent conducted inquiry,

heard the petitioners and their rival claims and after perusing the record, came to the conclusion that there is a serious dispute on the issue of title, inheritance and succession. It transpired in the matter that not only the petitioners', the vendors of the fourth respondent also claim to be the legal heirs of original pattedars. Therefore, since there is a title dispute, in which event, it would have been improper for various authorities under the Act to interfere in the matter. If so advised, the petitioners can approach the civil court by filing appropriate suit for declaration of title.

The writ petition, with the above reasons, is dismissed. No costs.

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(V.V.S. RAO, J)

10-11-2005

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